

NOV 16 2006

Practitioner's Docket No. NAI1P461/01.119.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert John Ackroyd

Application No.: 10/036,521

Group No.: 2136

Filed: January 7, 2002

Examiner: Shiferaw, Eleni A.

For: MANAGING MALWARE PROTECTION UPON A COMPUTER NETWORK

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed July 26, 2006, for a second time rejecting claims 1-27.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

11/17/2006 MWOLDGE1 00000029 501351 10036521

01 FC:1401 500.00 DA  
02 FC:1251 120.00 DA

## CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

\_\_\_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

\_\_\_ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

\_\_\_ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 -8300.

Date: 11-16-2006

Signature

April Skovmand

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee	\$120.00
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If an additional extension of time is required, please consider this a petition therefor.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$500.00
Extension fee	\$120.00
<b>TOTAL FEE DUE</b>	<b>\$620.00</b>

**5. FEE PAYMENT**

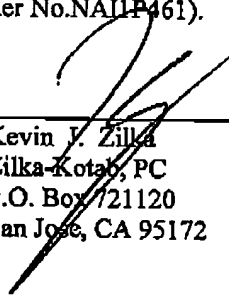
Authorization is hereby made to charge the amount of \$620.00 to Deposit Account No. 50-1351 (Order No. NAIIP461).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAIIP461).

  
\_\_\_\_\_  
Kevin J. Zilka  
Zilka-Kotab, PC  
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San Jose, CA 95172

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